

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER HEIM,
Plaintiff,
vs.
DOE, et al.,
Defendants.

1:20-cv-00391-AWI-GSA-PC

**ORDER DENYING REQUEST FOR
INITIATION OF SERVICE
(ECF No. 24.)**

1. BACKGROUND

Christopher Heim (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action pursuant to 42 U.S.C. § 1983. On March 11, 2020, Plaintiff filed the Complaint commencing this action. (ECF No. 1.) On May 14, 2020, Plaintiff filed the First Amended Complaint as a matter of course. (ECF No. 13.) On January 4, 2021, Plaintiff filed the Second Amended Complaint with leave of court. (ECF No. 20.) On March 30, 2021, the court dismissed the Second Amended Complaint for failure to state a claim, with leave to amend. (ECF No. 21.) On May 3, 2021, Plaintiff filed the Third Amended Complaint. (ECF No. 22.)

On May 6, 2021, Plaintiff filed a request for the court to initiate service of process upon defendant C/O Rodriguez. (ECF No. 24.) Plaintiff requests the court to issue a summons.

II. SCREENING AND SERVICE OF PROCESS

The court is required by law to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity, such as the instant action brought pursuant to 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. ¶ 1915A(b)(1),(2).

With respect to service, the court will, *sua sponte*, initiate service of the complaint only after the court has screened the complaint and determined that it contains cognizable claims for relief against the named defendant(s).

Here, Plaintiff's Third Amended Complaint awaits the court's screening and therefore it is not time for service in this case. Therefore, Plaintiff's request shall be denied.

III. CONCLUSION

Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff's request for initiation of service of process, filed on May 6, 2021, is DENIED.

IT IS SO ORDERED.

Dated: **May 10, 2021**

/s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE